

REMARKS

Claims 1-17, 19, 20, 22-28, 30-37 and 39-68 are pending. Applicant hereby amends claims 1, 22, 25, and 35 and cancels previously withdrawn claims 7, 8, 14-16 and 44-52. Also, claims 18, 21, 29 and 38 were previously cancelled in prior Office Action responses. Finally, the Examiner has indicated in the Office Action of June 8, 2009 that claims 53-68 are allowed.

Rejections under 35 U.S.C. § 112, first paragraph

The Examiner has rejected claims 1-6, 9-13, 17, 19, 20, 22-28, 30-37 and 39-43 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner asserts that the rejected claims contain subject matter that was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) had possession of the claimed invention at the time the application was filed. The Examiner further states that the specification does not provide support for the recitation that the egg product includes “a natural egg component” or for the recitation that the egg product exhibits “similar characteristics after freezing.”

The Applicant respectfully traverses this rejection of the above mentioned claims, but in order to advance prosecution the phrase “a natural egg component” has been deleted from independent claims 1, 22 and 35 and replaced with the original language (i.e. “an egg-based substance”) and the phrase “exhibits similar characteristics after freezing” has been amended to “exhibits the same or similar organoleptic characteristics after freezing and thawing.” These amendments to the claims provide claim limitations that are the same or equivalent to the claims that have been identified by the Examiner as allowed. Therefore, the Applicant respectfully requests, pursuant to 35 U.S.C. 112, first paragraph, that the rejection be withdrawn. It is further submitted that this application is in condition for allowance and, therefore, Applicant respectfully requests favorable consideration and prompt allowance of all remaining claims.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

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